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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,099	12/10/2003	Je-Young Chang	42P18071	9174
59796 7590 12/12/2007 INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER WILSON, GREGORY A	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,099

Applicant(s)

CHANG ET AL.

Examiner

Gregory A. Wilson

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-21 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-21 and 25-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the particles (SEE line 3 of claim 1 and in claim 31) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The newly amended claim 15 appears to include the subject matter of claim 17, but claim 17 remains dependent from claim 15.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites the limitation that the wick structure surrounds the boiling structure on all sides, yet it does not extend over the top of the boiling structure. This is considered vague and indefinite since the wick structure does not extend over the top, then it cannot surround the boiling structure on all sides.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-19, 25-30, and 32-37 are rejected under 35 U.S.C. 102(b) as being anticipated by **Calhoun et al (4,351,388)**. **Calhoun et al** discloses a device (heat pipe 11, this also represents the casing) having a coolant (ammonia), a first structure and includes particles (14) having an average diameter greater than 50 μm as evidenced by the fact that the particles are bigger than the mesh dimension $W_b=355.6 \mu\text{m}$ (0.014 inch), and is capable in helping convert some of the coolant from liquid to vapor (as evidenced by the vapor that enters vapor space 21), the particles (14) are glass beads which have a first thermal resistance, a second structure (15) surrounds the first structure and wets the beads with coolant from multiple sides, extends over the surface of the beads in such a way that pooling can be supported within the second structure over the beads; the second structure is made of stainless steel wire mesh (which has a second thermal resistance), the plurality of outer walls that enclose the second structure in an air tight manner is represented by elements (11, 17, 22). With regards to claims 25-29 and 32-37, **Calhoun et al** discloses another embodiment which anticipates the applicants invention, namely, a device (heat pipe 11) having a boiling structure (15) formed of a first porous material and contains particles (beads 14) within the structure and a wick structure (22) which is installed against a composite wick (13) and together surround the boiling structure (15) including extending over the top surface (as shown in Figure 1) and is capable of bringing the coolant to the boiling structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20-21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calhoun et al (4,351,388) in view of Kroliczek et al (6,564,860). Calhoun et al discloses the applicants primary inventive concept as stated above, but does not specifically teach a fan to move air across a portion of the heat pipe. It is very well known in the art to supply a blower or fan and is discussed in Kroliczek et al that fans are used to accompany heat pipes to dissipate the heat from the heat source. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to have incorporated a fan as is well known in the art and taught by Kroliczek et al with the system as taught by Calhoun et al for the purpose of moving air across the heat pipe to disperse the heat and also provide cooling to the heat pipe.

Claims 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calhoun et al. Calhoun et al discloses the applicants primary inventive concept, as stated above, but does not specifically recite that the particles include copper. As mentioned above, Calhoun et al discloses glass beads as the particle. The applicants specification does not specify the importance of its choice of copper as the material for

the particles and it is henceforth concluded that it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose copper as the material for the particles, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended used as a matter of obvious design choice.

Response to Arguments

Applicant's arguments, filed 9/17/07, with respect to Kroliczek et al have been fully considered and are persuasive. The rejection of claims 15-21 have been withdrawn.

Applicant's arguments, filed 9/17/07, with respect to Rosenfeld et al have been fully considered and are persuasive. The rejection of claims 15-18 have been withdrawn.

Applicant's arguments filed 9/17/07 as they pertain to the rejections of Calhoun et al have been fully considered but they are not persuasive. The applicant argues that Calhoun discloses a heat pipe that relies on heat and differential pressure to vaporize the coolant and then condense the vapor. By way of contrast, the claimed subject matter discloses a first structure having a first thermal resistance and including particles having an average diameter greater than about 50 μm to convert some of the coolant from liquid to vapor and a second structure around the first structure to wet the first structure with the coolant from multiple sides and having a second thermal resistance that is greater than the first thermal resistance. Calhoun et al has been interpreted by

the examiner to include structure which anticipates the applicants invention which is different than how it was previously interpreted. Applicants argument that Calhoun et al fails to cite a teaching or suggestion within Calhoun to the difference in thermal resistance between the first and second structures is not persuasive. Thermal Resistance is an object property and depends on both the resistivity of the material and its overall thickness within that particular object. Element (15) is made of stainless steel which has a higher thermal resistance than the glass beads (14). Applicants argument that Calhoun fails to show the presence of particles having an average diameter greater than about 50 μm is not persuasive, SEE Figure 4, and column 3, lines 22-25) disclose dimensions which relate to the mesh material, it can be seen that the beads exceed the sizes of these dimensions and therefore satisfy the limitation of being greater than 50 μm . The glass beads (14) are regarded as the first structure as it pertains to independent claim 15.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

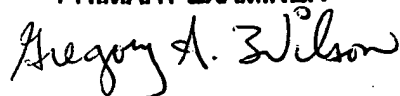
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GREGORY WILSON
PRIMARY EXAMINER



Gaw

December 8, 2007